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February 1, 2023

**VIA ECF**

Hon. Lawrence E. Kahn  
U.S. District Court Judge  
James T. Foley U.S. Courthouse  
Albany, NY 12207

**Re: *Benjamin Braxton v. Holland, Case No. 9:19-cv-73***

Dear Judge Kahn:

We represent Plaintiff Benjamin Braxton in the above-referenced case and write to provide your Honor with a status report and request a brief extension of certain deadlines.

On October 26, 2022, Plaintiff served a settlement demand letter on defense counsel (the "Settlement Demand"). On October 28, 2022, the Court referred the case to Magistrate Judge Daniel J. Stewart for the limited purpose of conducting a settlement conference and, in the event settlement was not successful, granted Plaintiff leave to file certain motions by February 1, 2023 (the "Motion Deadline"). On January 10, 2023, the Court directed the parties to file a status report by February 15, 2023 (the "Status Report Deadline").

Although the parties are conferring with Judge Stewart's Chambers regarding the scheduling of a settlement conference during the week of February 20, 2023, Plaintiff has yet to receive a tangible response to the Settlement Demand or confirmation that defense counsel has full settlement authority due in part to a recent reassignment within the Office of the New York State Attorney General. It is our understanding that Defendants are preparing an offer consistent with office protocols, which is expected to be forthcoming soon. Plaintiff, however, is not currently in a position to determine whether a settlement conference would be an efficient use of the parties' time and resources.

In light of the above, we respectfully request that the Court extend the Motion Deadline and the Status Report Deadline to March 1, 2023. It is our hope that this extension will allow the parties to continue to work in good faith towards a mutually beneficial resolution of this matter and potentially obviate the need for additional motion practice. We have conferred with defense counsel, who consents to this request.

Respectfully submitted,

/s/ Andrew J. Matott

*/s/ Carmella O'Hanlon*

cc: Peter A. McDaniel (via ECF)